

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRANCE GRISSOM
and ROBERT KIDD,

Plaintiffs,
v.

WILLIAM POLLARD,

Defendant.

ORDER

Case No. 14-cv-808-jdp

On August 27, 2015, this court entered an order in this case directing plaintiff Robert Kidd to submit by September 17, 2015, a six-month trust fund account statement and confirmation that he actually wishes to be a plaintiff in this lawsuit. On September 8, 2015, plaintiff Kidd filed a letter enclosing materials which seem to be related to his claims and a six-month trust fund account statement, which the court will construe as confirmation that plaintiff Kidd would like to be a plaintiff in this lawsuit. Therefore, I will determine whether plaintiff qualifies for indigent status and, if so, calculate an initial partial payment of the \$350.00 fee for filing this case.

In determining whether a prisoner litigant qualifies for indigent status this court applies the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff Kidd's trust fund account statement, I calculate plaintiff Kidd's initial partial filing fee to be \$31.93. For this case to proceed, plaintiff Kidd must submit this amount on or before October 13, 2015.

If plaintiff Kidd does not have enough money to make the initial partial payment from his regular account, plaintiff Kidd should arrange with prison authorities to pay the remainder from his release account.

ORDER

IT IS ORDERED that,

1. Plaintiff Robert Kidd is assessed \$31.93 as an initial partial payment of the \$350.00 fee for filing this case. Plaintiff Kidd is to submit a check or money order made payable to the clerk of court in the amount of \$31.93 or advise the court in writing why plaintiff is not able to submit the assessed amount on or before October 13, 2015.

2. If, by October 13, 2015, plaintiff Kidd fails to make the initial partial payment or show cause for failure to do so, he will be held to have withdrawn from this action voluntarily and will be dismissed, without prejudice, as a plaintiff from this case.

3. No further action will be taken in this case until the clerk's office receives plaintiff Kidd's initial partial filing fee as directed above and the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 24th day of September, 2015.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge